IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 13203 of 2004

Between:

N. Ravishankar, S/o. Late N. Seetharam,
R/o. Mutyalavaripalem, Peravali Mandal,

West Godavari District. - 534 330.

..... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad,

Rep. by its Managing Director.
2 APSRTC, W.G. Region, Eluru, W.G. District.

Rep. by its Regional Manager.
3 APSRTC, Bus Depot, Tanuku, W.G. District.

Rep. by its Depot Manager.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in rejecting his case on the ground of under age vide proceeding No.P3/684(20)/01-RM.W.G. dated 11-03-2002 and consequent action of the respondents in not considering his case even after crossing the age of (21) years by 13-02-2004 as illegal, unjust, discrimination and in

violation of Articles 14,16 & 21 of the Constitution of India and consequently direct the respondents to consider his case for the post of conductor or any other suitable post under the bread winner scheme along with consequential benefits in the interest of Justice and fair play.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondents: MR.VENKATESWARLU POSANI, Standing Counsel for APSRTC

The Court at the stage of admission made the following ORDER:

The petitioner is the son of an employee of the respondents Corporation. The said employee died on 04-08-2001 in harness while working under the control of the third respondent. On

17-09-2001, the petitioner's mother made an application to the respondents 2 and 3 requesting to appoint the petitioner for the post of Conductor on compassionate ground. The second respondent passed an order on 11-03-2002 rejecting the application on the ground that the petitioner was under-aged as on that date. Subsequently, after completing 21 years of age, the petitioner made an application on 17-02-2004 to the respondents 2 and 3 requesting to consider his case for compassionate appointment. He also made another application on 02-07-2004 but there was no response. The petitioner, therefore, approached this Court seeking a direction to the respondents 2 and 3 to consider his application dated 17-02-2004 followed by another application dated 02-07-2004 for compassionate appointment.

The learned Standing Counsel for the respondents Corporation represented that as per the regulations of the Corporation, the person is not eligible for appointment in the Corporation, if he is below 21 years. Since the petitioner was only 18 years old as on the date of his first application, he could not be considered by the Corporation. Therefore, the second respondent communicated the order dated 11-03-2002 requesting the petitioner and his mother to make an application for additional monetary benefits.

Since the petitioner made an application after completing the age of 21 years, the respondents ought to have passed an order as per rules and regulations of the Corporation. I find sufficient force in the grievance of the petitioner. Therefore, the respondent No.2 is directed to pass appropriate orders on the application of the petitioner dated 17-02-2004 followed by an another application dated 21-07-2004 as per rules within two months from the date of receipt of this order and communicate the same to the petitioner.

The writ petition is accordingly, disposed of. No order as to costs.

30th JULY, 2004.

Note: furnish c.c. in five days.

B/o

Kvni

To

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.

2 The Regional Manager, APSRTC, W.G. Region, Eluru, W.G. District.

3 The Depot Manager,APSRTC, Bus Depot, Tanuku, W.G. District.

4 Two CD copies.